

IN THE UNITED STATES BANKRUPTCY COURT
FOR EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE:	§	Chapter 11
	§	
CIRCUIT CITY STORES, INC., ET AL.	§	CASE NO. 08-35653-KRH
	§	
	§	

DECLARATION OF DON WELLS

The undersigned Don Wells, declares under penalty of perjury that the following statements, facts and other matters set forth herein are true and correct:

1. My name is Don Wells. I am over 18 years of age and capable of making this declaration. I make this declaration based upon my personal knowledge or knowledge I have gained from my review of the business records of TXU Energy Retail Company LP ("TXU Energy"), and its affiliated entities. Such business records were made at or about the time of events recorded or created at or near the time the acts, events or questions to which they relate, and were maintained in the ordinary course of TXU Energy's business. If called as a witness herein, I could and would testify competently as to the contents of this declaration.

2. From 1991 through 2009 and from 2010 to the present, I have been employed with TXU Energy and its predecessors, affiliates, or successors, primarily as a customer account representative and collections supervisor. A significant portion of my responsibilities in my current position as a collections analyst include the management of collections and customer accounts in bankruptcy on behalf of TXU Energy.

3. I have worked in the gas and electric utility industry for the past 31 years and have gained substantial experience managing individual and commercial utility accounts, the



collection of payments due on those accounts, and individual and company practices regarding collections and payment activity on gas and electric utility accounts.

4. In conjunction with my responsibilities as a Collections Analyst for TXU Energy, I was involved in the management of TXU Energy's electric accounts with Circuit City Stores, Inc., and its affiliated entities ("Circuit City") during the months prior to its bankruptcy filing. Based upon my review of the books and records of TXU Energy, I prepared and filed an unsecured proof of claim on behalf of TXU Energy in the amount of \$45,448.08. That proof of claim was timely filed with the designated claims agent, Kurtzman Carson Consultants on January 20, 2009 and based upon TXU Energy's electric accounts with Circuit City Stores that are the subject of the current dispute. A true and correct copy of TXU Energy's proof of claim is attached as Exhibit A to this declaration. TXU Energy did not apply any payments to Circuit City's pre-petition account from and after November 10, 2008, the day of Circuit City's commencement of these bankruptcy proceedings. Based upon my review of TXU Energy's books and records, Circuit City remains indebted to TXU Energy in the amount of its proof of claim, namely \$45,448.08 for prepetition electric service.

5. In connection with the preparation of this Declaration, I have reviewed TXU Energy's business records, including records maintained in TXU Energy's computerized financial reporting system with respect to Circuit City's pre- and post-petition accounts with TXU Energy. A true and correct copy of TXU Energy's post-petition account statements demonstrating payments received from Circuit City and invoices provided to Circuit City is attached as Exhibit B to this declaration.

6. The post-petition statement of account shows all activity on Circuit City's post-petition account from November 11, 2008 to September 4, 2009. The final bill issued on this account was dated July 19, 2009, in the amount of \$11,958.58, which included an unpaid accrued balance. After applying credit balances from Circuit City's other accounts with TXU Energy, in

addition to a deposit and other charges, Circuit City had a closing post-petition balance due to TXU Energy in the amount of \$5,508.71, which amount remains unpaid.

I declare under penalty of law that the foregoing is true and correct.

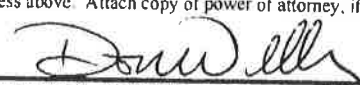
Executed on May 3, 2012 at Dallas, Texas by:



Don Wells

COPY

B 10 (Official Form 10) (12/08)

UNITED STATES BANKRUPTCY COURT Eastern District of Virginia		PROOF OF CLAIM
Name of Debtor: Circuit City Stores Inc		Case Number: 08-35653 11
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): TXU Energy Retail Company LLC		Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: CO Bankruptcy Department PO Box 650393, Dallas, TX 75265-0393		
Telephone number: (972) 868-8138		
Name and address where payment should be sent (if different from above): Telephone number:		Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$ 45,488.08 If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		
2. Basis for Claim: Electric utility service (See instruction #2 on reverse side.)		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4) <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5) <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(). Amount entitled to priority: \$ _____ *Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
3. Last four digits of any number by which creditor identifies debtor: 3724 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate: % Amount of arrearage and other charges as of time case filed included in secured claim. If any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		
Date: 01/12/2009 Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. Don Wells, Supervisor 		RECEIVED JAN 20 2009 KURTZMAN CARSON CONSULTANTS

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.



TXU ENERGY
STATEMENT OF ACCOUNT

ELECTRIC SERVICE FURNISHED TO: CIRCUIT CITY STORES INC

EXHIBIT A

Account Number **Service Address**
947 2347 98 9 1551 N HIGHWAY 287

<i>Service Period</i>	<i>Commodity</i>	<i>Late</i>	<i>Other</i>	<i>Total Charges</i>	<i>Amount Paid</i>	<i>Payment Date</i>	<i>Balance</i>
9-2-08 to 10-1-08	\$6,257.11	\$ 7.25		\$6,264.36			\$6,264.36
				\$0.00	\$6,264.36		\$0.00
10-1-08 to 10-30-08	\$6,458.41			\$6,458.41			\$6,458.41
10-30-08 to 11-10-08	\$2,259.88			\$2,259.88			\$8,718.29
	\$14,975.40	\$ 7.25		\$14,982.65	\$6,264.36	TOTAL	\$8,718.29

TXU ENERGY
STATEMENT OF ACCOUNT

ELECTRIC SERVICE FURNISHED TO: CIRCUIT CITY STORES INC

EXHIBIT A

Account Number 986 0051 98 7 **Service Address** 201 E CENTRAL TEXAS EXPY STE 2100, HARKER HEIGHTS, TX

<i>Service Period</i>	<i>Commodity</i>	<i>Late</i>	<i>Other</i>	<i>Total Charges</i>	<i>Amount Paid</i>	<i>Payment Date</i>	<i>Balance</i>
9-12-08 to 10-13-08	\$8,329.36			\$8,329.36			\$8,329.36
				\$0.00		10/28/2008	\$0.00
10-13-08 to 11-10-08	\$6,821.57			\$6,821.57			\$6,821.57
	\$15,150.93	\$ -		\$15,150.93	\$8,329.36	TOTAL	\$6,821.57

TXU ENERGY
STATEMENT OF ACCOUNT

ELECTRIC SERVICE FURNISHED TO: CIRCUIT CITY STORES INC

EXHIBIT A

Account Number 8690153724 **Service Address** 3270 S GULF FWY, DICKINSON, TX
4973328813

<i>Service Period</i>	<i>Commodity</i>	<i>Late</i>	<i>Other</i>	<i>Total Charges</i>	<i>Amount Paid</i>	<i>Payment Date</i>	<i>Balance</i>
9-17-08 TO 10-17-08	\$4,965.14			\$4,965.14			\$4,965.14
				\$0.00		11/04/2008	\$0.00
10-17-08 TO 11-10-08	\$3,932.40			\$3,932.40			\$3,932.40
	\$8,897.54	\$	-	\$8,897.54	\$4,965.14	TOTAL	\$3,932.40

**TXU ENERGY
STATEMENT OF ACCOUNT**

ELECTRIC SERVICE FURNISHED TO: CIRCUIT CITY STORES INC

EXHIBIT A

Account Number 8690153724 **Service Address** 5000 KATY MILLS CIR #145, KATY, TX
3135394229

<i>Service Period</i>	<i>Commodity</i>	<i>Late</i>	<i>Other</i>	<i>Total Charges</i>	<i>Amount Paid</i>	<i>Payment Date</i>	<i>Balance</i>
9-4-08 to 10-2-08	\$7,881.49			\$7,881.49			\$7,881.49
				\$0.00	\$7,881.49	10/20/2008	\$0.00
10-2-08 to 10-30-08	\$11,705.83			\$11,705.83			\$11,705.83
10-30-08 to 11-10-08	\$3,433.31			\$3,433.31			\$15,139.14
	\$23,020.63	\$ -		\$23,020.63	\$7,881.49	TOTAL	\$15,139.14

TXU ENERGY
STATEMENT OF ACCOUNT

ELECTRIC SERVICE FURNISHED TO: CIRCUIT CITY STORES INC

EXHIBIT A

Account Number 8690153724 **Service Address** 9714 KATY FWY, HOUSTON, TX
8244388579

<i>Service Period</i>	<i>Commodity</i>	<i>Late</i>	<i>Other</i>	<i>Total Charges</i>	<i>Amount Paid</i>	<i>Payment Date</i>	<i>Balance</i>
9-4-08 to 10-3-08	\$1,894.29			\$1,894.29			\$1,894.29
10-3-08 to 10-31-08	\$8,989.93		-1.69	\$8,988.24	\$1,894.29	10/21/2008	\$8,988.24
10-31-08 TO 11-10-08	\$1,888.44			\$1,888.44			\$10,876.68
	\$12,772.66	\$ -		\$12,770.97	\$1,894.29	TOTAL	\$10,876.68

TXU ENERGY
STATEMENT OF ACCOUNT

Name
Account Number
Service Address

CIRCUIT CITY STORES INC
986005197/900010175204
201 E CENTRAL TEXAS EXPY STE 2100, HARKER HEIGHTS, TX

EXHIBIT A

Meter Read Date	Description	Amount	Late/Fee	Total Charges	Amount Paid	Payment Date	Balance
11/11/2008	Bill	\$243.63		\$243.63			\$243.63
11/14/2008	Bill	\$673.38		\$673.38			\$917.01
				\$0.00	\$673.38	12/03/2008	\$243.63
				\$0.00	\$243.63	12/05/2008	\$0.00
12/17/2008	Bill	\$7,157.87		\$7,157.87			\$7,157.87
				\$0.00	\$7,175.87	01/05/2009	(\$18.00)
01/16/2009	Bill	\$6,683.87		\$6,683.87			\$6,665.87
02/02/2009	Billed Deposit	\$4,895.00		\$4,895.00	\$6,665.87	02/02/2009	\$4,895.00
				\$0.00	\$4,895.00	02/05/2009	(\$0.00)
02/15/2009	Bill	\$5,282.59		\$5,282.59			\$5,282.59
				\$0.00	\$5,282.59	03/06/2009	(\$0.00)
03/16/2009	Bill	\$3,720.94		\$3,720.94			\$3,720.94
03/29/2009	Final Bill	\$562.07		\$562.07			\$4,283.01
03/29/2009	Deposit & Interest	(\$4,895.00)	(\$17.94)	(\$4,912.94)			(\$629.93)
09/04/2009	Transfer Credit to Account 900042201374	\$629.93		\$629.93			(\$0.00)
		\$24,954.28	(\$17.94)	\$24,936.34	\$24,936.34	TOTAL	\$0.00



**TXU ENERGY
STATEMENT OF ACCOUNT**

Name CIRCUIT CITY STORES INC
Account Number 947234797-900010175749
Service Address 1551 N HIGHWAY 287 STE 601, MANSFIELD, TX

EXHIBIT A

<i>Meter Read Date</i>	<i>Description</i>	<i>Amount</i>	<i>Late/Fee</i>	<i>Total Charges</i>	<i>Amount Paid</i>	<i>Payment Date</i>	<i>Balance</i>
11/11/2008	Bill	\$1,027.20		\$1,027.20			\$1,027.20
12/04/2008	Bill	\$2,875.42		\$2,875.42		12/19/2008	\$3,902.62
				\$0.00			\$0.00
01/05/2009	Final Bill	\$5,116.73		\$5,116.73			\$5,116.73
				\$0.00		01/20/2009	(\$18.00)
09/04/2009	Transfer Credit to Account			\$0.00			(\$18.00)
	900042201374	\$18.00		\$18.00			\$0.00
		\$9,037.35	\$0.00	\$9,037.35	\$9,037.35	TOTAL	\$0.00

**TXU ENERGY
STATEMENT OF ACCOUNT**

Name CIRCUIT CITY STORES INC
Account Number 3135394229
Service Address 5000 KATY MILLS CIR #145, KATY, TX

EXHIBIT A

<i>Meter Read Date</i>	<i>Description</i>	<i>Amount</i>	<i>Late/Fee</i>	<i>Total Charges</i>	<i>Amount Paid</i>	<i>Payment Date</i>	<i>Balance</i>
12/02/2008	Bill	\$6,866.61		\$6,866.61			\$6,866.61
				\$0.00	\$6,866.61	12/24/2008	\$0.00
01/09/2009	Bill	\$10,541.45		\$10,541.45			\$10,541.45
				\$0.00	\$10,541.45	01/23/2009	\$0.00
01/30/2009	Billed Deposit	\$11,210.33		\$11,210.33			\$11,210.33
				\$0.00	\$11,210.33	02/05/2009	\$0.00
02/06/2009	Bill	\$7,384.31		\$7,384.31			\$7,384.31
				\$0.00	\$7,384.31	02/23/2009	\$0.00
03/09/2009	Bill	\$7,209.53		\$7,209.53			\$7,209.53
04/07/2009	Final Bill	\$2,034.69		\$2,034.69			\$9,244.22
04/07/2009	Deposit Applied	(\$11,210.33)		(\$11,210.33)			(\$1,966.11)
09/04/2009	Transfer Credit to Account	\$1,966.11		\$1,966.11			(\$0.00)
		\$36,002.70	\$0.00	\$36,002.70	\$36,002.70	TOTAL	\$0.00

**TXU ENERGY
STATEMENT OF ACCOUNT**

Name CIRCUIT CITY STORES INC
Account Number 4973328813
Service Address 3270 S GULF FWY, DICKINSON, TX

EXHIBIT A

<i>Meter Read Date</i>	<i>Description</i>	<i>Amount</i>	<i>Late/Fee</i>	<i>Total Charges</i>	<i>Amount Paid</i>	<i>Payment Date</i>	<i>Balance</i>
11/17/2012	Bill	\$1,146.94		\$1,146.94			\$1,146.94
				\$0.00	\$1,146.95	12/05/2008	(\$0.01)
12/22/2008	Bill	\$4,468.25		\$4,468.25			\$4,468.24
				\$0.00	\$4,468.25	01/05/2009	(\$0.01)
01/30/2009	Billed Deposit	\$7,477.33		\$7,477.33			\$7,477.32
02/04/2009	Final Bill	\$2,697.94		\$2,697.94			\$10,175.26
02/04/2009	Deposit & Interest	(\$7,477.33)	(\$30.83)	(\$7,508.16)	\$7,477.33	02/05/2009	(\$4,810.23)
04/20/2009	Refund Credit	\$4,810.23		\$4,810.23			\$0.00
		\$13,123.36	(\$30.83)	\$13,092.53	\$13,092.53	TOTAL	\$0.00

TXU ENERGY
STATEMENT OF ACCOUNT

Name
Account Number
Service Address

CIRCUIT CITY STORES INC
8244388579-900042201374
9714 KATY FWY, HOUSTON, TX

EXHIBIT A

Meter Read Date	Description	Amount	Late/Fee	Total Charges	Amount Paid	Payment Date	Balance
12/03/2008	Bill	\$4,344.09		\$4,344.09			\$4,344.09
01/07/2009	Bill	\$5,811.13		\$5,811.13			\$10,155.22
				\$0.00	\$4,214.98	01/15/2009	\$5,940.24
				\$0.00	\$5,940.24	01/23/2009	\$0.00
01/30/2009	Billed Deposit	\$3,797.34		\$3,797.34			\$3,797.34
				\$0.00	\$3,797.34	02/05/2009	\$0.00
02/05/2009	Bill	\$3,560.91		\$3,560.91			\$3,560.91
				\$0.00	\$3,560.92	02/23/2009	(\$0.01)
03/06/2009	Bill	\$4,408.43		\$4,408.43			\$4,408.42
				\$0.00	\$4,408.42	03/20/2009	\$0.00
04/06/2009	Bill	\$3,852.12	\$192.69	\$4,044.81			\$4,044.81
05/06/2009	Bill	\$3,754.16		\$3,754.16			\$7,798.97
06/01/2009	Bill	\$2,910.26	\$145.51	\$3,055.77			\$10,854.74
07/19/2009	Final Bill	\$1,103.84		\$1,103.84			\$11,958.58
07/19/2009	Deposit & Interest	(\$3,797.34)	(\$38.49)	(\$3,835.83)			\$8,122.75
09/04/2009	Transfer from 900010175204	(\$629.93)		(\$629.93)			\$7,492.82
09/04/2009	Transfer from 947234797	(\$18.00)		(\$18.00)			\$7,474.82
09/04/2009	Transfer from 900041585232	(\$1,966.11)		(\$1,966.11)			\$5,508.71
		\$27,130.90	\$299.71	\$27,430.61	\$21,921.90	TOTAL	\$5,508.71